## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Before the Board of Patent Appeals and Interferences

In re Patent Application of

RECEIVED **CENTRAL FAX CENTER** 

Atty. Ref.: SCS-124-1158

NOV 2 5 2009

Serial No. 10/577,938

TC/A.U.: 2814

Filed: May 3, 2006

PHILLIPS et al.

Examiner: H. Weiss

For:

STRAINED SEMICONDUCTOR DEVICES

November 25, 2009

Attn: Board of Patent Appeals and Interferences

Commissioner for Patents

Re Appeal No. 2009-007560

P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## REQUEST TO RESCHEDULE ORAL HEARING

In response to the Notice of Hearing mailed November 19, 2009, Appellant's undersigned representative respectfully requests that the Oral Hearing in Appeal No. 2009-007560 scheduled for Tuesday, January 12, 2010, be rescheduled.

Upon receipt of the "Notice of Hearing," Appellant's undersigned representative checked his calendar and the undersigned will be on a flight returning to Washington, D.C. from Egypt on January 12, 2010. This flight was previously scheduled and confirmation of the travel arrangements was received prior to the mailing of the Notice of Hearing.

If possible, the rescheduled date for the Oral Hearing could be a day or two later if that is convenient to the Board. It also would be appreciated if this appeal could be coordinated with the appeal in the co-pending case (Appeal No. 2009-009371; Application No. 10/535,493) such that both hearings could be attended on the same day (as they are both currently scheduled for the same day).

Pursuant to the Clerk's instructions, Appellant encloses herewith the Notice of Hearing form signed and dated, but without checking "hearing attendance confirmed" or "hearing attendance waived" since Appellant intends to attend the Oral Hearing when it is appropriately rescheduled. In the event that a telephone discussion with the Clerk will facilitate the PTO's rescheduling of the hearing, the Clerk is respectfully requested to contact Appellant's undersigned representative.

Respectfully submitted,

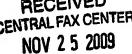
NIXON & VANDERHYE P.C.

C. Spooner .**™**o. 27,393

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## RECEIVED CENTRAL FAX CENTER







UNITED STATES PATENT AND TRADEMARK OFFICE

124-1158

Board of Patent Appeals and Interferences

NTXON & VANDERHYE, PC 901 NORTH GLEBE ROAD-11TH FLOOR ARLINGTON, VA 22203

Appeal No:

2009-007560

Appellant:

Timothy J. Phillips, Timothy Ashley et al.

Application No:

10/577,938 В

Hearing Room:

В

Hearing Docket: Hearing Date:

Tuesday, January 12, 2010

Hearing Time:

09:00 AM

Location:

Madison Building - East Wing 600 Dulany Street, 9th Floor Alexandria, Virginia 22313-1450

## NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquires, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

http://www.uspto.gov/web/offices/dcom/gcounsel/contact.htmi/boxi\_contacts

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address:

Board of Patent Appeals and Interferences United States Patent and Trademark Office

P.O. BOX 1450

Alexandria Virginia 22313-1450

And Addition of Beiling	22313-1430			
In all communications relating to this appeal, CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED	please identify the ap ( ) HEARING ATTENDAR 11/25/09	(XX)	Request	to Reschedule attached
Signature of Attorney Agent Appellant Stanley C. Spooner	Date	Registration	No.	
Names of other visitors expected to accompany For information on visitor access to hearing rooms and security procedure		ipus, see		